



September 1, 2023

The Honorable Michael Humphreys
Insurance Commissioner
1326 Strawberry Square
Harrisburg, PA 17120

Re: Updates to the Pennsylvania Essential Health Benefits Benchmark Plan

Dear Commissioner Humphreys:

On behalf of the Alliance for Patient Access, thank you for the opportunity to comment on prospective updates to Pennsylvania's essential health benefits (EHB) benchmark plan. Established under the Affordable Care Act (ACA), EHBs are critical to ensuring that patients receive quality healthcare coverage and timely access to their treatments. We are appreciative that the PA benchmark plan ensures robust coverage of prescription medications, particularly specialty medications.

About AfPA

Founded in 2006, AfPA is a national network of policy-minded health care providers who advocate for patient-centered care. AfPA supports health policies that reinforce clinical decision making, promote personalized care and protect the clinician-patient relationship. Motivated by these principles, AfPA members participate in clinician working groups, advocacy initiatives, stakeholder coalitions and the creation of educational materials.

Prescription Drug Essential Health Benefit

Pennsylvania's essential health benefit design explicitly includes a coverage requirement for specialty medications. This is particularly important as healthcare beneficiaries with complicated medical issues increasingly rely on these medications to manage their health.

Recent employer coverage trends make it important that states be explicit about the inclusion of specialty drugs in the EHB prescription drug category. A growing number of employers work with third-party organizations to manage their prescription drug benefit and have begun to exclude specialty drugs from coverage by classifying these treatments as non-essential health benefits. This treats specialty medications differently than other prescription medications and limits patient access to appropriate treatment. These "alternative payment programs" refer insured patients to outside organizations that then steer the insured beneficiary to charity patient assistance programs for coverage of their needed medications. By ensuring that coverage of specialty medications is included as part of the EHB, Pennsylvania can ensure that individuals covered in your state are able to access appropriate care. For more information on alternative funding programs and the challenges associated with them, we invite you to read the [policy paper](#) written by the Alliance for Patient Access.

Federal regulations require that EHB benchmark plans cannot include discriminatory benefit designs. The exclusion of specialty drug coverage can lead to discriminatory designs based on a patient's condition. Access to specialty drugs is also consistent with current medical practices, allowing for comprehensive coverage and management of these conditions. We ask that you continue to cover specialty drugs under the essential health benefits as you update the benchmark plan and work to ensure that all plans in your state that cover EHBs include specialty drugs under prescription drugs.

Conclusion

When designing the ACA, Congress included the essential health benefits requirement to ensure that a standard set of benefits were covered. This made certain that important healthcare services such as prescription drugs, maternity care and other covered benefits receive a consistent level of coverage regardless of plan.

We are pleased that the Pennsylvania DOI recognizes this commitment by requiring coverage of specialty drugs under the essential health benefits. We support continued coverage of these treatments as updates are made to the plan. In addition, we ask that you monitor the activities of insurers providing these plans to ensure that EHBs, including specialty drugs, are covered in their entirety and that Pennsylvanians don't see implementation of alternative funding programs or other copay diversion programs.

Thank you for the opportunity to comment. If you have questions or would like further information, please contact the Alliance for Patient Access at (202) 951-7097.

Sincerely,

A handwritten signature in cursive script that reads "Josie Cooper".

Josie Cooper
Executive Director
Alliance for Patient Access

Cc: Katie Merrit, *Director of Policy and Planning*